

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

|                              |   |                            |
|------------------------------|---|----------------------------|
| SAMUEL KC WILLIAMS,          | : |                            |
|                              | : |                            |
| Petitioner,                  | : |                            |
|                              | : |                            |
| v.                           | : | CASE NO. 7:14-CV-63-HL-MSH |
|                              | : | 28 U.S.C. § 2241           |
| IMMIGRATION AND CUSTOMS      | : |                            |
| ENFORCEMENT, <i>et al.</i> , | : |                            |
|                              | : |                            |
| Respondents.                 | : |                            |
| _____                        | : |                            |

**RECOMMENDATION OF DISMISSAL**

Presently pending before the Court is Respondent's Supplemental Motion to Dismiss, filed on October 17, 2014. (ECF No. 45.) In his application for habeas relief pursuant to 28 U.S.C. § 2241, Petitioner alleges that he should be released pursuant to *Zadvydas v. Davis*, 533 U.S. 678 (2001). (Pet. for Writ of Habeas Corpus 1, ECF No. 1.) On October 17, 2014, Respondents filed the instant Supplemental Motion to Dismiss and a copy of the Warrant of Removal/Deportation (Ex. A, ECF No. 45-1) showing that Petitioner was removed on October 14, 2014. Due to Petitioner's removal, Respondents now contends that Petitioner's pending § 2241 petition is moot and should be dismissed as such. (Supp. Mot. to Dismiss 1.) The Court agrees and recommends dismissal of this case as moot.

"[A] case is moot when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome." *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1335-36 (11th Cir. 2001) (internal quotation marks and citation omitted). "If events that occur

subsequent to the filing of a lawsuit or an appeal deprive the court of the ability to give the plaintiff or appellant meaningful relief, then the case is moot and must be dismissed.” *Id.* at 1336.

Here, Petitioner sought an order granting him a writ of habeas corpus and release from custody. (Pet. for Writ of Habeas Corpus 1.) Petitioner has been removed from the country and released from the physical custody of ICE. (Warrant of Removal/Deportation Ex. A.) Since the Court can no longer give the Petitioner any meaningful relief, the case is moot and “dismissal is required because mootness is jurisdictional.” *Al Najjar*, 273 F.3d at 1336.

WHEREFORE, it is recommended that Respondents’ Supplemental Motion to Dismiss (ECF No. 45) be GRANTED and Petitioner’s Application for writ of habeas corpus be DISMISSED without prejudice to his right to file a new § 2241 petition in the future if a change in his circumstances occurs. Consequently, it is recommended that Respondents’ First Motion to Dismiss (ECF No. 31) and Petitioner’s Motion for Protective Custody (ECF No. 44) be DENIED AS MOOT. Pursuant to 28 U.S.C. § 636(b)(1), the Petitioner may serve and file written objections to this recommendation with the United States District Judge within fourteen (14) days after being served a copy of this recommendation.

SO RECOMMENDED, this 20th day of October, 2014.

/s/Stephen Hyles

UNITED STATES MAGISTRATE JUDGE